

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 5:92 CR 206</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE DONALD C. NUGENT</b>
	)	
<b>HALIM ABDULLAH AYYUYBI,</b>	)	
<b>aka Allen Randy McClain,</b>	)	
	)	
<b>Defendant.</b>	)	<b><u>MEMORANDUM OPINION</u></b>
		<b><u>AND ORDER</u></b>

This matter comes before the Court upon Defendant's Motion Requesting Modification or Suspension of Restitution (Docket #113). Defendant states that due to a medical condition, he is constantly under a doctor's care, is under financial hardship and, therefore, that his obligation to pay restitution in the above-captioned matter should be modified, suspended or cancelled.

Defendant was convicted on two counts of armed bank robbery, in violation of 18 U.S.C. § 2113(a) and (d) (Counts 1 and 3); two counts of carrying a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c) (Counts 2 and 4); and, one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1) (Count 5). Defendant was sentenced, pursuant to the Armed Career Criminal Act ("ACCA") to a term of imprisonment of 188 months on Counts 1, 3 and 5; a consecutive term of 5 years on Count 2; and, a consecutive term of 20 years on Count 4. Defendant's conviction was affirmed on appeal. Defendant is currently serving his

sentence. Defendant never filed a habeas corpus petition or any other petition for post-conviction relief.

**Conclusion**

The Court has reviewed Defendant's Motion and supporting documentation. There is no basis upon which to modify, suspend, or cancel Defendant's obligation to pay restitution. Accordingly, Defendant's Motion Requesting Modification or Suspension of Restitution (Docket #113) is DENIED.

IT IS SO ORDERED.

*s/ Donald C. Nugent* \_\_\_\_\_  
DONALD C. NUGENT  
United States District Judge

DATED: February 4, 2011